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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED UNDER SEAL

UNITED STATES OF AMERICA)
)
)
v.) CRIMINAL NO. 13-10200-GAO
)
DZHOKHAR TSARNAEV)

ASSENTED-TO MOTION FOR FURTHER EXTENSION OF TIME
TO FILE IN LIMINE DAUBERT MOTION REGARDING
TAPE, POLYMER AND FABRIC MATCHES

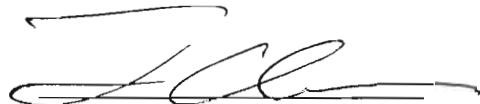
Defendant, Dzhokhar Tsarnaev, by and through counsel, with the assent of the government, respectfully requests that the Court extend the deadline for filing his motion *in limine* arguing exclusion of testimony regarding certain tape, polymer, and fabric matches by one additional week, to December 19, 2014. As grounds therefore, defendant states that in a letter dated November 24, 2014 he made specific requests regarding the basis of opinions proposed to be given by two experts, Andria Mehltretter and Joshua Friedman, regarding tape, polymer, and fabric matches. The requested materials included, *inter alia*, validation of the method used, the studies relied on, and the resources consulted in fashioning the opinions. In defendant's view, the requested materials are necessary for the Court to properly exercise its gatekeeping role in determining relevance and reliability of the proposed opinions. *Daubert v. Merrell Dow Pharmaceutical*, 509 U.S. 579, 589 (1993). Consequently, the defendant requires the materials to properly and completely brief the issues for the Court.

The Court previously granted a one-week extension for filing this motion based in part on the outstanding discovery the government was to provide. DE 732. The government, however, has thus far been unable to respond to the November 24, 2014 requests but earlier this day indicated that it continues its endeavors and will assent to a further extension of time. When the government responds, the defendant will need a brief period of time to assess the government's disclosure and brief the issues of relevancy and reliability of the proposed expert testimony.

For the foregoing reasons, defendant requests an additional week to file the outstanding *Daubert* motion *in limine*.

Respectfully submitted,

DZHOKHAR TSARNAEV
By his attorneys



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Certificate of Service

I hereby certify that this document was served on counsel for the government by email and paper copy by interoffice delivery on December 12, 2014.



Timothy G. Watkins